

FILED
LODGEDENTERED
RECEIVED

MAY 25 2011 JS



11-CV-00872-BOND

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

DEBORAH R. BEATON

Plaintiff,

v.

JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE SERVICES, INC.)

Defendants.

CASE NO. 11-CV-872 RAJ

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

JURY TRIAL DEMANDED

Plaintiff, DEBORAH R. BEATON, proceeding without counsel, hereby serves her Verified Complaint and alleges claims against Defendants JPMORGAN CHASE BANK N.A. and NORTHWEST TRUSTEE SERVICES, INC. for Declaratory and Injunctive Relief to Enjoin Trustee's Sale and disposition of property, and as grounds state:

Parties and Jurisdiction

1. Plaintiff DEBORAH R. BEATON is and was at all times material hereto a *sui juris* resident of the State of Washington and over the age of eighteen (18), and the legal owner of the residential property identified herein *infra*.
2. Defendant, JPMORGAN CHASE BANK N.A. ("CHASE") is and was at all times material

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEFDeborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

Summons Iss / SEA41747

1 hereto a Delaware corporation whose address is given as 270 Park Avenue, New York, NY
2 10017.

3 1. Defendant, NORTHWEST TRUSTEE SERVICES, INC. is and was at all times material
4 hereto a Washington Corporation which affirmatively represented to the Plaintiff herein that
5 its registered agent: Jeffrey Stenman, 13555 SE 36th Street, Suite, 100, Bellevue, WA 98006
6 accepts service for the Defendant, NORTHWEST TRUSTEE SERVICES, INC.. Defendant,
7 NORTHWEST TRUSTEE SERVICES, INC. schedules and conducts "Trustee Sales" of
8 residential property incident to non-judicial foreclosure proceedings in Washington.
9

10 2. The residential property the subject of this action (hereafter the "Property") is located at
11 22650 24th AVENUE SOUTH, DES MOINES, WA 98198, in King County, Washington
12 (APN: 1622049155) and is legally described as:
13

14 W 182 FT OF E 342 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LESS S 140 FT
15 & N 20 FT OF S 160 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LY E OF
16 24TH PL S LESS E 342 FT LESS N 75 FT KING COUNTY, WASHINGTON.
17 SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

18 3. The Defendant, JPMORGAN CHASE BANK N.A. originates and services prime and
19 subprime residential mortgage loans through wholesale correspondent channels.
20 JPMORGAN CHASE BANK N.A. also buy's mortgages originated by other mortgage
21 bankers, banks, and credit unions. JPMORGAN CHASE BANK N.A., and is regulated by the
22 Office of the Thrift Supervision (OTS) and is a Member of the FDIC (Federal Deposit
23 Insurance Corporation). Any civil suit in which FDIC, in any capacity, is a party is "deemed
24 to arise under the laws of the United States." 12 USC §1819(b)(2)(A).
25

26 4. Defendant, NORTHWEST TRUSTEE SERVICES, INC. provides services to Defendant,

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

JPMORGAN CHASE BANK N.A., pursuant to the Bank Service Company Act, 12 USC §1861(b)(1) and to "Examined Members" within the meaning of 12 USC §1867(c) and NORTHWEST TRUSTEE SERVICES, INC. is an "institution-affiliated party" within the meaning of 12 USC §1813(u) and 12 USC §4502(11) because it forecloses security interests for these institutions.

5. This Court has Federal Question – 28 USC § 1331 jurisdiction because any civil suit in which FDIC, in any capacity, is a party is "deemed to arise under the laws of the United States." 12 USC §1819(b)(2)(A).
6. This Court has supplemental jurisdiction over any remaining state law claims under 28 USC §1367(a) because the state law claims are so related to the federal claims that they form part of the same case or controversy.
7. This Court has personal jurisdiction over the Defendants as they have substantial contacts within Washington.
8. Venue is proper in this Court under 28 USC §1391 because substantial events, the filings of the Notice of Trustee's Sale and possible recordation of a Trustee's Deed occurred in Washington (as the Property is located in Washington).
9. Plaintiffs are proceeding without assistance of counsel unschooled in law, in Pro Se, requesting the court accept direction from Haines v. Kerner, 404 U.S. 519 (1972), Boag v. MacDougall, 545 US 360 (1982), Puckett v. Cox 456 F2d 233 (1972 Sixth Circuit USCA), and Conely v. Gibson, 355 US 41 at 48(1957), wherein the court has directed those who are unschooled in law, making pleadings shall have the court look to the substance of the pleadings rather than the form.

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

Evidence and Witnesses Relied Upon

10. Quit Claim Deed recorded in King County, Washington, Auditor's file number 20060906002230 and attached as Exhibit "A".

11. Deed of Trust recorded in King County, Washington under Auditor's file number 20060906002231 and attached as Exhibit "B".

12. Appointment of Successor Trustee recorded in King County, Washington under Auditor's file number 20101201001577 and attached as Exhibit "C".

13. Notice of Trustee's Sale recorded in King County, Washington under Auditor's file number 20101216000340 and attached as Exhibit "D".

14. OCC Consent Order: No. AA-EC-11-15 from JPMORGAN CHASE BANK N.A. attached as Exhibit "E".

15. Letter dated April 5, 2011 to Plaintiff from "CHASE" attached as Exhibit "F" stating JPMORGAN CHASE BANK N.A is the servicer and Freddie Mac is the investor.

Material Facts Common to All Counts

16. The chain of title for the subject Property shows the plaintiff holding undisputed clear title up until August 29, 2006, pursuant to the Statutory Warranty Deed recorded attached as Exhibit "A".

17. On or about August 28, 2006, Plaintiff executed a Note and Deed of Trust for the sum of \$271,960.00 in favor of WASHINGTON MUTUAL BANK, FA. A copy of the Deed of Trust is attached hereto and incorporated herein as Exhibit "B".

18. On or about November 29, 2010, Defendant, JPMORGAN CHASE BANK N.A prepared and recorded an Appointment of Successor Trustee and appointed as successor trustee

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

1 NORTHWEST TRUSTEE SERVICES, INC. under the subject Deed of Trust according to
2 the Appointment of Successor Trustee recorded in King County, Washington under Auditor's
3 file number 20101201001577. The document is signed by EDIBA TRIVUNCIC. Her title is
4 Foreclosure Officer for Defendant, JPMORGAN CHASE BANK N.A. The purported
5 Appointment was recorded on December 1, 2010, and is attached hereto and incorporated
6 herein as Exhibit "C".
7

8 19. On or about December 15, 2010, Defendant NORTHWEST TRUSTEE SERVICES, INC
9 recorded a Notice of Trustee Sale in Pierce County, Washington under Auditor's file number
10 20101216000340 indicating that the Plaintiff's loan had been in default since June 1, 2010.
11 The Notice is attached hereto and incorporated herein as Exhibit "D".
12

13 20. As evidenced herein, there is a lack of an Assignment of Deed of Trust from WASHINGTON
14 MUTUAL BANK to JPMORGAN CHASE BANK N.A. and is also contradicted by
15 JPMORGAN CHASE BANK N.A. own letter (Exhibit "F") to the Plaintiff dated April 5,
16 2011 stating that JPMORGAN CHASE BANK N.A. is merely the servicer of this mortgage
17 loan (page 2) and that the investor for this loan is Freddie Mac (page 3).
18

19 21. On or about April 13, 2011, Plaintiff requests that the Court take judicial notice that
20 Defendant JPMORGAN CHASE BANK N.A. stipulated to a voluntary consent order
21 Consent Order No. AA-EC-11-15 filed with THE OFFICE OF THE COMPTROLLER OF
22 THE CURRENCY (OCC) stating JPMORGAN CHASE BANK N.A. (page 3 (c)) litigated
23 foreclosure proceedings and initiated non-judicial foreclosure proceedings without always
24 ensuring that either the promissory note or the mortgage document were properly endorsed or
25 assigned and, if necessary, in the possession of the appropriate party at the appropriate time"
26

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

pursuant to voluntary Consent Orders filed with the OCC (see Exhibit "E" of complaint).

22. Due to the competing facts alleged herein, as such, it is unknown exactly what rights, if any, to the Plaintiffs' mortgage loan were sold or transferred; when such rights were transferred; to whom such rights were transferred; whether the rights were transferred in parts; in what manner the rights were allegedly transferred; and what consideration, if any, was paid for such transfer of any of the subject rights to the mortgage loan.

Count 1: DECLARATORY RELIEF PURSUANT
TO 28 USC §2201 and FRCP 57
(AGAINST ALL DEFENDANTS)

23. Plaintiff reaffirms and realleges paragraph 1 through 22 hereinabove as if set forth more fully hereinbelow.

24. This is an action for declaratory relief which is being brought pursuant to 28 USC § 2201 and FRCP 57 to determine as to whether Defendants have any legal or equitable rights in the Note or Deed of Trust, as to whether the Trustee's Deed is invalid and void, and whether Defendants have any legal standing to title or possession of the Property.

25. Plaintiff prays for further determination as to whether JPMORGAN CHASE BANK N.A. duly and appropriately executed and/or recorded all endorsements and assignments of the beneficial interest in the Note and Deed of Trust and therefore whether non-judicial foreclosure is allowed by statute.

26. Original Lender WASHINGTON MUTUAL BANK failed to disclose all affiliated business arrangements regarding Plaintiff's loan, hence, Plaintiff is in doubt and is uncertain as to her rights under the Note and Deed of Trust contracts; her legal rights and relations with respect to such contracts have been apparently altered by the actions of the Defendants; and

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

1 Plaintiff is legally entitled, through this action for Declaratory Relief, to have such doubt and
2 uncertainty removed.

3 **Count 2: Temporary and Permanent Injunctive Relief**

4 27. Plaintiff reaffirms and realleges paragraph 1 through 26 hereinabove as if set forth more fully
5 hereinbelow.

6 28. This is an action for injunctive relief which is brought upon proper legal and equitable
7 grounds and pursuant to RCW 61.24.130.

8 29. The plaintiff will be irreparably harmed and permanently deprived of possession of the
9 subject Property by the trustee's sale (file no. 7763.28416) now scheduled for June 3,
10 2011 if not restrained.

11 30. Plaintiff has no adequate remedy at law to redress the irreparable harm which will
12 ensue from disposition of her property.

13 **THEREFORE, the plaintiff demands that:**

- 14 (a) For a declaration that Defendants have no legal standing, legal ownership, or equitable
15 interest in either the Note or Deed of Trust.
- 16 (b) For a declaration WASHINGTON MUTUAL BANK failed to adequately and properly
17 convey the beneficial interest of the Plaintiff's loan and therefore Defendants non-judicial
18 foreclosure is void and/or barred.
- 19 (c) For a temporary, preliminary and permanent injunction of the Defendant's Trustee Sale.
- 20 (d) For an order that Plaintiff may recover costs as provided by law;
- 21 (e) For any other and further relief as this Court deems just and proper.
- 22
- 23
- 24
- 25
- 26

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

Respectfully submitted this 24 day of May, 2011.

///

///

///

VERIFICATION

Plaintiff: DEBORAH R. BEATON, Plaintiff

Signature: Deborah R. Beaton

JURAT

I Lorelei B. Farber a Notary Public certify that I know or have satisfactory evidence that DEBORAH R. BEATON appeared before me, and executed this Verified Amended Complaint as her sworn statement as a free and voluntary act of her own will under penalty of perjury.

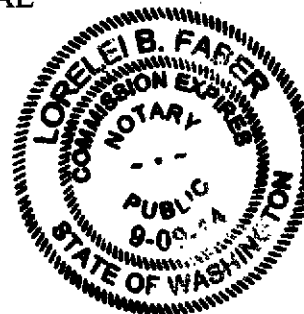
I certify under PENALTY OF PERJURY under the laws of the State of Washington, County of King that the foregoing paragraph is true and correct.

May 24, 2011
DATED:

Lorelei B. Farber
Notary Public

My appointment expires 9-9-2014

SEAL



VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607